

GOKHALE INSTITUTE OF POLITICS AND ECONOMICS

Publication No. 15

The Federal Problem in India

By

D. R. Gadgil

(Price, Rs. 8 or 16s.)

1947

Published by D. R. Gadgil, M.A., M.Litt. (Cantab.), for the Gokhale Institute of Politics and Economics, Poona 4, and printed by L. C. Shepard, at the Oriental Watchman Publishing House, Salisbury Park, Poona 1. 1,000—2939-47.

PREFACE

PUBLICATION No. 13 of the Institute, *Federating India*, was published in April 1945. This had been written by me between the months of August 1944 and March 1945. The work was planned and executed, for the major part, at a time when no move on the part of the British to resolve the deadlock following upon the events of 1942 was in evidence, and the work attempted to describe and analyse the basic facts of the Indian political situation. The present publication is an attempt to deal with the existing political situation with special reference to the statement of 16th May, 1946, of the Cabinet Delegation and the Viceroy. It does not go over the ground covered in the previous publication and takes for granted the background and analysis presented in *Federating India*.

The main conclusions reached in that work were as follows: On a review of recent Hindu-Muslim relations, it was maintained that Muslims and Hindus in India must be considered as forming not one community, but two communities desirous of cultivating traditions which are in the main divergent and that as long as differences in spirit and thought bred the degree of mutual distrust that was then evident, it would be neither possible nor desirable for the Muslim and Hindu regions to be forced into a union; that if the Muslim regions did not desire even to join in the attempt at framing one political state with Hindu regions, it was difficult to see how, legitimately or reasonably, they could be forced to do so and, therefore, if the Muslim masses in Muslim regions fully supported the contention of Muslim leaders, there was no alternative but to face calmly the prospect of the formation of one Muslim and one non-Muslim federation within the present boundaries of India. It was pointed out that the formation of an independent Muslim federation would lead inevitably to a partition of Bengal and the Panjab, and it was urged that in case no agreement was reached with the Muslims on the principles or procedure of partition, a move should be made to form a state immediately for non-Muslim India including Assam, Hindu Bengal and Hindu-Sikh Panjab. As regards the process of federating in India, it was argued that the initial step, for the purpose, should be the formation of homogeneous and unilingual federating units and that no difference in the status of the various federating units, as that for Indian States in the Act of 1935, should be allowed. All the federating units, including the Indian States, should be considered as having the freedom to accede or not to accede to the federation

and as attaining the status of independent sovereign states if they chose not to accede. It was emphasised that the attempt should be to build a democratically sound and strong federation and that as quick a withdrawal as possible of communal weightage in representation should be made. Any weakening of the Centre to placate Muslims or the adoption of any so-called regional schemes was, it was argued, contrary to the permanent interests of the country.

The proposals of the Cabinet Mission are based on the assumption of a fundamental divergence of culture and interest between Hindu and Muslim. The scheme of the Mission is avowedly intended to achieve Pakistan without partition; and as it seeks to avoid the partition of India it is able to avoid the partition of Bengal and the Panjab. The scheme acknowledges fully the right of non-accession of the Indian States and leaves them potentially independent sovereign states on the withdrawal of paramountcy. The Mission's proposals had as their main aim, avoidance of giving the right of non-accession to Provinces, but the Provinces are given the right of secession after ten years. The Mission's statement makes a beginning with the non-application of the principle of weightage to communities, and this in the vital matter of the formation of the Constituent Assembly. The Mission proposes a regional division; the basis of the region is, however, not pseudo-scientific but frankly political. The Mission proposes an "agency" centre. This is the most contentious part of the Mission's scheme. It is possible to reconcile oneself somewhat to an agency centre on two sets of considerations. It has been argued that the Centre in an Indian Federation must have strength enough to direct economic planning and to prepare for effective defence. Under the proposals of the Mission the former can become the function of Group Governments and as the Groups are made up of Hindu and Muslim majority Provinces, the result is not much worse than in the event of a partition. In regard to Defence, the position is undoubtedly serious. It is, however, possible to take comfort from the fact that conditions of war in modern times have so rapidly changed that effective warlike operations are now possible only to a few large and rich units in the world. India is too poor to be able to maintain substantial armed forces even if the Indian Government at the Centre had all the necessary powers. All important international conflicts are likely, in the future, to affect the whole world; in these conflicts India could not play, by itself, a decisive part. It would have to become part of some scheme of world strategy and, in this event, the weakening of the Centre is not, perhaps, as great a disaster as it would otherwise have been.

The patience, the perseverance and the skill which the Cabinet Mission and the Viceroy brought to bear on their task compel admiration, which is matched only by amazement at the recklessness with which both the major Indian parties threw away the chance of a peaceful and smooth transition. Today, the situation remains as fluid as it was in 1945. However, the realistic approach of the Cabinet mission vests the proposals made by them with permanent interest. An attempt at finding a solution of our political problem must begin with a careful study of these proposals which is attempted here, together with an appreciation of the fundamentals, which from the author's point of view have been presented in the earlier publication.

This study was originally planned and begun in June 1946. Some progress was made with it and the draft of the first six sections was completed by the end of August, when the work suffered interruption. It was resumed after the middle of November and the work was almost complete by 10th February, 1947. The announcement of His Majesty's Government of 20th February has changed the existing situation and made definite some issues which were uncertain before. It was, however, considered neither easy nor necessary to recast the original text which, therefore, reflects and analyses the political situation as it existed on 10th February, 1947.

New Delhi.
12th March, 1947.

D. R. GADGIL.

P. S. It had been expected that this study of the federal problem would be published by about the end of April before a final decision had been reached regarding the division of India. Publication was unavoidably delayed; and the rapidity with which the new plan of settlement was evolved makes the discussion contained in this study out-of-date in one important respect.

There are, at least, four important aspects of the federal problem in India. These are: (1) the incorporation of Indian States within an Indian Union, (2) the composition of federating units, (3) the division of powers between the Government of the Federation and those of the federating units; and (4) the problem of the relations between the two major communities brought to a head by the Muslim demand for a separate state. The last overshadowed

all others in political debate in recent years. Consequently, it is treated in special detail in this publication. The decision to form two separate states from among the British Indian Provinces takes away the immediate significance of a great deal of the writing in this regard. Even so discussion of this question may not be found entirely useless for an understanding of the continuing problems.

Though a decision has been taken regarding the division of the country, all the other constitutional problems discussed in this publication still remain with us. The problems of the incorporation of Indian States and the composition of federating units now take the leading position. The problem of the powers of the Union assumes crucial importance in relation to the incorporation of the Indian States within the Union. In view of suggestions emanating from responsible quarters for restricting, even after the division, the powers of the Centre to the subjects mentioned by the Cabinet Mission and in view of the talk of the revival of something like the scheme of the 1935 Act for accession of Indian States, the discussion of these matters in the following pages as well as in the previous publication may not be considered unnecessary. The formation of new Provinces is an urgent problem and it is hoped that the insistence in what follows on treating the formation of federating units and the incorporation of Indian States as one integrated problem will receive due attention.

24th June, 1947.
Poona 4.

D. R. GADGIL.

CONTENTS

	Page
Preface	iii
Chapter I: Statement of the Cabinet Delegation and Its Acceptance	9
Chapter II: The Scope of Union Subjects	14
Chapter III: Probable Growth of Powers and Strength of Union	31
Chapter IV: Function of Groups	38
Chapter V: Gradations in the Status of Indian States	49
Chapter VI: Composition of Federating Units	62
Chapter VII: Issues Settled and Issues Outstanding	75
Chapter VIII: Task Before the Constituent Assembly	82
Chapter IX: Hindu and Muslim Points of View	90
Chapter X: Lines of Possible Agreement	102
Chapter XI: The Principle of Pakistan	136
Chapter XII: Congress, Pakistan and Constituent Assembly	159
Chapter XIII: Constituent Assembly and Indian States	174
Appendix	186